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5 Attorney for the Defendant  
DARYL McQUILLON

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) No. CR 01-00423 JSW  
 )  
 Plaintiff, ) **JOINT STATUS MEMORANDUM**  
 ) AND ORDER DENYING REQUEST FOR  
 v. ) CONTINUANCE  
 )  
 DARYL McQUILLON, )  
 )  
 Defendant. ) Date: January 7, 2010  
 ) Time: 2:30 p.m.  
 ) Dept: Courtroom 11, 19<sup>th</sup> Floor

In an order filed January 5, 2010, this court required a joint status report.

Mr. McQuillon pled guilty to two phone counts and is presently pending sentencing before this court. On October 15, 2009, the parties appeared for sentencing. However, certain issues were raised by defendant in letters to the court, so the court decided to appoint second CJA counsel to consult with Mr. McQuillon regarding the issues raised by those letters.

Erik Babcock was appointed in that capacity on October 20, 2010.

The parties and counsel all appeared on October 29, 2009 for status. The matter was then set for status on December 3, 2009.

Newly appointed counsel has met with Mr. McQuillon several times to respond to his questions determine what information would

1 assist him at this juncture. The December 3, 2009 hearing was  
2 continued by stipulation to give counsel additional time to try  
3 and obtain information responsive to Mr. McQuillon's questions.

4 Counsel Babcock has requested the information responsive to  
5 Mr. McQuillon's questions. However, counsel has not yet received  
6 all of the information requested. Accordingly, Mr. McQuillon is  
7 yet not prepared to proceed to judgment and sentencing.

8 The parties respectfully request that his the matter be  
9 continued for further status to give counsel time needed to obtain  
10 the documents requested.<sup>1</sup>

11 Given that Mr. McQuillon has already pled guilty, the  
12 provisions of the Speedy Trial Act do not apply.

13 Respectfully submitted:

14  
15 DATED: January 6, 2010

/S/Erik Babcock  
ERIK BABCOCK  
Attorney for Defendant  
Daryl McQuillon

16  
17  
18 DATED: January 6, 2010

/S/Susan Jerich  
SUSAN JERICHE  
Attorney for Plaintiff  
United States of America

21 The request for a continuance is DENIED. All counsel shall appear  
22 for the hearing on Janury 7, 2010 at 2:30 p.m. as scheduled.

23  
24 January 6, 2010



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26  
27 <sup>1</sup> Mr. Rosenthal was out-of-state when this memorandum was  
28 prepared so he was not available to be consulted. However, it  
seems quite likely he would join in this request.